

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

— — —

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-20264

YLLI DIDANI,

Defendant.

JURY TRIAL - VOLUME 21 - EXCERPT
Continued Testimony of Jason Willock
BEFORE THE HONORABLE DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan
Wednesday, March 26, 2025

APPEARANCES:

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(None)

1 Detroit, Michigan

2 Wednesday, March 26, 2025

3 9:42 a.m.

4 - - -

5 LAW CLERK: All rise.

6 United States District Court for the Eastern District
7 of Michigan is now in session, the Honorable Denise Page Hood
8 presiding.

9 Calling Case Number 21-20264, United States of America
10 versus Ylli Didani.

11 Appearances, please.

12 MR. McDONALD: Good morning, your Honor. Tim McDonald
13 and Mark Bilkovic on behalf of the Government. Also at counsel
14 table is Maria DiCarlo and Special Agent Chad Hermans.

15 THE COURT: Okay. Good morning to you, and you may be
16 seated.

17 MR. FINK: Good morning, your Honor. Wade Fink on
18 behalf of Ylli Didani who is present at counsel table to my
19 right.

20 THE COURT: Okay. Good morning to both of you, and
21 you may be seated also.

22 DEFENDANT DIDANI: Good morning, your Honor.

23 THE COURT: Okay. Yesterday we were at the point of
24 having some voir dire relative to Mr. --

25 Is it Willock; is that right?

1 MR. FINK: Yes, your Honor.

2 THE COURT: Testifying as an expert. And I think
3 sufficient foundation has been laid for him to testify in this
4 way, and that your questions can be taken up on
5 cross-examination, Mr. Fink.

6 MR. FINK: Thank you, your Honor.

7 THE COURT: You're welcome. Let's bring out the --
8 Is your witness here?

9 MR. McDONALD: Yes, your Honor.

10 LAW CLERK: All rise for the jury.

11 (The jury entered the courtroom at 9:44 a.m.)

12 THE COURT: You may all be seated.

13 Are you satisfied -- good morning, jurors. How are
14 you?

15 JURORS: (Collectively) Good morning.

16 THE COURT: Good. Are you satisfied the jurors are
17 present and in their proper seats?

18 MR. McDONALD: Yes, I am, your Honor.

19 THE COURT: What about you, Mr. Fink?

20 MR. FINK: I'm satisfied, Judge.

21 THE COURT: You're laughing, but, you know, jurors
22 sometimes are pranksters, and they think they could change
23 their seats and no one will notice. But usually somebody,
24 either the Judge or one of the counsel, are like really paying
25 attention to where people sit, so ...

1 MR. FINK: I studied it, Judge. I'm comfortable.

2 THE COURT: All right. Very well.

3 Mr. Willock, that's never happened to you; right?

4 THE WITNESS: No, ma'am.

5 THE COURT: You're still under oath.

6 There's hardly any room for humor in criminal cases.
7 So whenever we come upon it we try to take it with no offense,
8 of course, to the defense.

9 THE WITNESS: Absolutely.

10 THE COURT: Please state your name again for the
11 record, and remember you need to speak right here, okay.

12 THE WITNESS: Yes, your Honor.

13 THE COURT: Okay. Very good. State your full name
14 again.

15 THE WITNESS: Good morning. Special Agent Jason
16 Willock from the --

17 THE COURT: You're still under oath.

18 THE WITNESS: Yes.

19 THE COURT: Okay. You may proceed, Mr. McDonald.

20 MR. McDONALD: Thank you, your Honor.

21 THE COURT: And I overruled Mr. Fink's objection
22 before you came out, okay. All right.

23 DIRECT EXAMINATION (Continued)

24 BY MR. McDONALD:

25 Q. Agent Willock, I just have a few more questions for you.

1 When we left off last time, we were talking about
2 one-sided chats.

3 THE COURT: One -- say that again.

4 BY MR. McDONALD:

5 Q. We were talking about one-sided Sky chats. Do you remember
6 that?

7 A. Yes, sir.

8 Q. All right. And you started to say some of the reasons why
9 there may be one-sided chats; is that accurate?

10 A. Yes, sir.

11 Q. All right. In the course of your experience and your own
12 case in California, did you come across one-sided chats, Sky
13 chats?

14 A. Yes, I did.

15 Q. In the course of your own case and other cases you're
16 familiar with, did you come across chats that have been
17 duplicated?

18 A. Yes, I did.

19 Q. Can you describe what that will look like?

20 A. So these chats were portrayed in a spreadsheet, in an Excel
21 spreadsheet document, or a CSB file, as an alternative. And
22 each line would represent a message that was sent, the full
23 message. And let's say that message was on line 5 of the
24 spreadsheet, line 6 would have the exact same data conveyed,
25 repeated, duplicated.

1 Q. Okay. So same content of the message?

2 A. That's correct.

3 Q. And what about date, time and other metadata that was
4 included?

5 A. The same, yes.

6 Q. What about in your experience have you come across data
7 that was produced where chats are tripled?

8 THE COURT: Are what?

9 MR. McDONALD: Tripled.

10 THE COURT: Okay.

11 THE WITNESS: So in the same format, if a message was
12 on line 5, it would be on line 6 and line 7 as well. And then
13 if there was another side, a response to that message, 8, 9 and
14 10 would have the same message.

15 BY MR. McDONALD:

16 Q. All right. And were you given reasons why the data was
17 produced that way by France?

18 A. Yes, I was.

19 Q. And were some of those reasons what you told us yesterday?

20 A. Yes, sir.

21 Q. Now, do you know the total number of messages approximately
22 that were seized by Sky during their operation, or seized by
23 France during the Sky operation?

24 A. As of today, that number is over one billion messages
25 intercepted.

1 Q. And those messages, does each message undergo a decryption
2 process?

3 A. Each message that was intercepted during the course of
4 investigation that has been decrypted has gone through a
5 decryption process, yes.

6 Q. And do you know whether or not the decryption process is
7 ongoing to this day?

8 A. It still is. Messages are still being decrypted.

9 Q. Now, were you or investigators that you were involved with
10 in this investigation able to verify that the data on the
11 server in Roubaix, France was, in fact, Sky data from Sky
12 devices?

13 A. Yes, sir.

14 Q. And can you describe how you were able to determine that?

15 A. So once we identified that Sky Global, Sky Technologies,
16 the couple running the Sky ECC app, had servers to facilitate
17 that communications network, we learned that they used a
18 software provided by BlackBerry. It's called Unified Endpoint
19 Management, or UEM.

20 And I think I previously discussed how UEM is a
21 software tool used by major corporations around the globe to
22 manage mobile devices that are issued from that company. It's
23 a way the security teams can remotely manage those devices and
24 ensure that the companies' data on those devices is properly
25 managed.

1 So that software runs on the same servers that Sky
2 Global utilized, and those servers, or that software, is
3 identified through a license, or an SRPID.

4 Q. What's an SRPID?

5 A. Server routing protocol ID. It's a unique identifier that
6 those devices have to connect with to the server. It's
7 basically a way that the device is validated to be on that
8 server.

9 And so by having those SRPIDs from BlackBerry, when we
10 interacted with them to get information about the licenses for
11 the software that Sky Global had, we were able to show that Sky
12 ECC application was running on those servers by means of having
13 those identifiers.

14 Q. All right. And how were you -- were you able to identify
15 the devices that were using those servers?

16 A. Yes.

17 Q. All right. And how were you able to do that?

18 A. So every device is managed by Sky ECC with a mobile device
19 management tool, and every device has on it an SRPID. We asked
20 BlackBerry for all the devices that had that identifier. We
21 also understood that the devices had to connect to these
22 servers through a mobile network, a cellular network.

23 And the bulk of those devices either had AT&T SIM
24 cards in them or a Dutch telecom known as KPN. So the Dutch
25 interacted with KPN, and my team in the U.S., with me being the

1 primary liaison, interacted with AT&T.

2 And we requested a run of all the devices a couple of
3 times. We didn't do it just once. So that allowed us to get a
4 snapshot of all the devices on the network during those time
5 periods.

6 Q. You talked yesterday about encryption and something called
7 Wireshark. Am I saying that right?

8 A. Yes, sir.

9 Q. All right. And do you know whether you or other
10 investigators in the foreign Sky investigation utilized
11 Wireshark to decrypt these messages?

12 A. Yeah. So the European team, the Dutch, Belgians and French
13 utilized the platform Wireshark.

14 Q. Are you familiar with Wireshark?

15 A. Just in general terms.

16 Q. Do you know whether it's a commonly used tool in the
17 industry?

18 A. Yes.

19 Q. Yes, it is a common tool?

20 A. Yes, it is. Yes.

21 MR. McDONALD: May I have one moment, your Honor?

22 THE COURT: You may.

23 (Briefly off the record.)

24 MR. McDONALD: No further questions. Thank you.

25 THE COURT: Cross-examine, please.

1 CROSS-EXAMINATION

2 BY MR. FINK:

3 Q. Agent Willock, we've spoken before, but I'm Wade Fink,
4 Mr. Didani's attorney. Sorry to keep you an extra day. I hope
5 you enjoyed Detroit last night a little bit.

6 A. No worries. Thank you, sir.

7 Q. Agent, do you know what Operation Argus is?

8 THE COURT: A-R-G-U-S?

9 MR. FINK: Yes, ma'am.

10 THE WITNESS: I'm familiar with that name, yes, sir.

11 BY MR. FINK:

12 Q. What is it, or what's your familiarity with it?

13 A. That is the name that the Dutch authorities title their
14 investigation.

15 Q. Do you know what the actual operation was or what it was
16 referring to?

17 A. My understanding is that Argus is their approach to the Sky
18 ECC investigation.

19 Q. The monitoring of the live messaging being sent once the
20 decryption had been done; correct?

21 A. I think that's fair. The Dutch did not discuss the name of
22 their investigation with me. I could say I learned of it
23 afterwards.

24 Q. Sure. Do you know what Argus is?

25 A. I do not.

1 Q. You ever heard of the Greek mythology Argus Panoptes,
2 meaning the all-seeing one? Does that sound familiar?

3 A. That does sound familiar, yes.

4 Q. Operation Argus, the all-seeing one; right?

5 A. Absolutely.

6 Q. Do you know how long it would have taken or how many
7 agents, or can you put into perspective how long it would have
8 taken the amount of information that was obtained from Sky ECC
9 to review all of it?

10 A. I cannot answer that.

11 Q. Are you aware that one French court estimated it would take
12 about 635 years or 400 agents to review all those messages?

13 A. I've heard numbers along those lines.

14 Q. My point being it's an extreme amount of data; correct?

15 A. Absolutely.

16 Q. Now, the United States -- you expressed on direct
17 examination some familiarity with U.S. efforts to combat the
18 concern of encryption services being used to commit crimes;
19 correct?

20 A. Yes, sir.

21 Q. And that's a longstanding effort by our government;
22 correct?

23 A. Yes, it is.

24 Q. In fact, it dates back to the '90s when we even heard of
25 encryption services; correct?

1 A. My estimate is more than 20 years.

2 Q. Sure.

3 A. Yes.

4 Q. Well, for example, have you ever heard of the Clipper chip?

5 A. No, sir.

6 Q. You ever heard of efforts previously to obtain access by
7 the United States government to encryption services? Are you
8 familiar with any of the government's efforts prior to this
9 case?

10 A. Well, I was involved in one of those cases, and I've heard
11 of others, yes.

12 Q. Would you agree with me that there has been a debate, for
13 lack of better term, about what the balance is between the
14 right to privacy and the Fourth Amendment and the government's
15 efforts to decrypt or infiltrate encryption services?

16 A. Absolutely. It's a very serious concern.

17 Q. And a lot of government efforts have been -- I'm using this
18 word, I'm not intending for you to, but thwarted or put on hold
19 by certain court decisions; correct?

20 A. I understand that efforts have been limited, yes.

21 Q. Sure. Now, the United States' involvement with the Sky ECC
22 investigation to the best of your recollection began when?

23 A. The summer of 2018.

24 Q. And do you remember the genesis of the United States'
25 involvement, what sparked our government's interest or

1 collaboration in that effort?

2 A. Well, my co-case agents on the investigation, we had worked
3 together targeting a company known as Phantom Secure.

4 THE COURT: I'm sorry?

5 THE WITNESS: My investigative team, the other agents
6 I worked with at the time, were fresh off of an investigation
7 targeting a company known as Phantom Secure that was located in
8 Vancouver, Canada.

9 And during the course of that investigation we learned
10 of the competitor, Sky Global, Sky Technologies, managing the
11 app, Sky ECC. And through our investigative efforts, speaking
12 with confidential sources and others that were arrested during
13 that investigation, we learned and suspected that Sky Global
14 was involved in facilitating narcotics trafficking and
15 supporting organized criminal activities around the globe.

16 BY MR. FINK:

17 Q. So the genesis of the United States' involvement with the
18 investigation, the collaborative effort with other nations into
19 Sky ECC, started with the case that you were working on?

20 A. Well, initially the case file I opened was purely a
21 domestic case targeting individuals in the U.S. and in Canada.
22 We had communications with the Canadian authorities and other
23 federal agencies in the U.S., but at that time I was not
24 familiar with the European efforts or who was involved in
25 Europe.

1 Q. And that's what I'm asking. I mean, the one thing -- one
2 investigation per usual in federal cases led to another and the
3 discovery of Sky ECC and Sky Global and eventually to
4 international efforts that had been ongoing; is that accurate?

5 A. I think that's a fair way to frame it.

6 Q. Thank you. Now, just put in perspective -- you did a
7 little bit of this on direct examination. Broadly speaking,
8 and I know this might be a little different, the technology for
9 each app, but broadly speaking the idea of encrypted messaging
10 is one device sends a message to a server, and that server
11 sends the message to another device and it's hosted elsewhere.
12 Is that a general fair way to describe how the message goes
13 from one phone to another?

14 A. That is a very common way. There are other means, but,
15 yes, that is a common means of sending encrypted
16 communications.

17 Q. And the idea is to keep those messages private or difficult
18 to discover to an outside source for whatever reason might want
19 to be seeing that information; right?

20 A. That's correct.

21 Q. And colloquially we know a lot of those apps exist just
22 domestically that the jurors, myself or anybody might use
23 themselves; right?

24 A. Yes, sir.

25 Q. We have Signal?

1 A. Yes.

2 Q. Which has become famous as of this week; right?

3 A. Yes.

4 Q. We have WhatsApp; right? In fact, even iMessages have
5 end-to-end user encryption; correct?

6 A. Yes. They employ a type of encryption, yes.

7 Q. Would you agree with me that the use of encryption devices
8 for messaging has numerous legitimate purposes, non-illegal
9 purposes?

10 A. Yes.

11 Q. Companies who have secrets or technology or communicate
12 about things that is proprietary might use it; correct?

13 A. Absolutely, yes.

14 Q. Drug manufacturers, for example?

15 A. I believe they might have a need.

16 Q. A company like Raytheon who has government contracts,
17 defense contracts; right?

18 A. Yes.

19 Q. There might be other legitimate uses like sources for
20 journalists; correct?

21 A. That's correct.

22 Q. Might be legitimate to be -- a whistleblower may want to
23 tell a journalist about something illegal going on, but doesn't
24 want to be discovered; right?

25 A. That's correct.

1 Q. It might be foreign intelligence whistleblowers that want
2 to help the U.S. or others that don't want to be discovered;
3 correct?

4 A. Yes.

5 Q. There's also just, believe it or not, general privacy that
6 people want; right?

7 A. That's fair to say.

8 Q. Maybe celebrities, for example, want to share information
9 about their lives and what's going on without fear of the
10 paparazzi or anyone similar intruding; correct?

11 A. Yes.

12 Q. Maybe people want to share intimate photos with partners
13 that live elsewhere; right?

14 A. I could say that is correct.

15 Q. I'm not saying that you know that to be the case. I'm
16 saying that seems like a reasonable use. If two people who
17 love each other live in different parts of the world and want
18 to intimate and don't want to share it with the world, that
19 could be one use; right?

20 A. What use are they -- I guess I just don't --

21 Q. Send intimate photos of each other, naked photos of each
22 other to people who love each other who don't live in the same
23 state and they don't want their naked pictures on the internet.
24 They might use encrypted services; right?

25 A. A particular type of encrypted service, yes.

1 Q. Sure. Now, when you began your investigation, or the
2 impetus for your investigation became known when you were
3 investigating Phantom Secure and became aware of Sky Global,
4 you started building relationships with companies that may
5 utilize the Sky Global service; is that accurate? I believe
6 you said BlackBerry, for example.

7 A. Well, utilize tools from those companies, and those
8 relationships were already existing when the Sky Global
9 investigation commenced.

10 Q. So in your other investigations you had already started
11 building those relationships with the companies and come across
12 Sky Global that just becomes another topic of investigation and
13 discussion with these relationships; correct?

14 A. Well, it just -- it doesn't just become, you know. Those
15 conversations were based off of investigative research and
16 quality controlling information that we had to ensure that we
17 were looking at something that was of a criminal nature.

18 Q. Were you involved in the United States' investigations of
19 the CEOs of Sky Global?

20 A. Yes.

21 Q. Mr. Eap?

22 A. Yes, sir.

23 Q. I believe Mr. Herndon?

24 A. Herdman.

25 Q. Herdman?

1 A. Herdman, yes.

2 Q. Thank you. You were one of the agents on those cases?

3 A. Yes, sir.

4 Q. And, correct me if I'm wrong, as your investigation
5 progressed, and feel free to -- I'm not trying to narrow your
6 answers, but just -- so if you need to expound tell me. But at
7 some point the U.S. believed that the CEOs of this company, Sky
8 Global, were involved in illegality themselves; correct?

9 A. That's correct.

10 Q. And, generally speaking, the United States was intent on
11 indicting these two individuals in connection with their
12 creation of Sky ECC or Sky Global; correct?

13 A. That was our investigative goal when we started the case.

14 Q. What year, approximately? I know it may not be precise.
15 What time and year at least did the United States' interest in
16 the leadership of Sky Global become a criminal investigation?

17 A. Officially summer of 2018.

18 Q. Summer of 2018, okay. Now, the reason I ask that is, if I
19 heard you correctly, you were one of the United States'
20 representatives at a global meeting -- well, I should say an
21 international meeting. Was it in the Netherlands?

22 A. Yes, at The Hague.

23 Q. You had a meeting at The Hague with other law enforcement
24 agencies to discuss Sky Global and strategies of combatting the
25 illegal activity; correct?

1 A. Yes, sir.

2 Q. Now, how many representatives of the United States were at
3 that meeting, approximately?

4 A. I believe there were two prosecutors from the Southern
5 District of California, an intel analyst. So that would be
6 three. And maybe four agents. So seven of us, approximately.

7 Q. Relatively small group; correct?

8 A. Yes, sir.

9 Q. Makes you pretty famous in some circles who follow this;
10 right?

11 A. I wouldn't use the word "famous," but I was humbled to be a
12 part of that meeting.

13 Q. It was a big deal; right?

14 A. It was significant.

15 Q. And at that meeting there was a discussion amongst how many
16 nations, would you say, about combatting the ill effects that
17 law enforcement viewed was coming from Sky Global?

18 A. I believe there were roughly 12 or 13 countries present at
19 that meeting.

20 Q. And I know you're not going to list all of them, but can
21 you give a snapshot of the ones you recall involved?

22 A. It might be easier for me to think about it going west to
23 east.

24 Q. Sure.

25 A. But England, Spain, France, Belgium, the Netherlands,

1 Italy. Germany may or may not have been there. Australia,
2 Canada and, of course, the U.S. And I'm definitely missing --

3 Q. No, I understand.

4 A. Norway I believe was there.

5 Q. I think you said Belgium; correct?

6 A. Yes.

7 Q. Belgium, the Dutch and the Netherlands and France would you
8 agree with me are three of the bigger international players in
9 this investigation; is that accurate?

10 A. France, Belgium and the Netherlands were the most
11 significant of the countries present.

12 Q. Other than us; right?

13 A. Yes.

14 Q. Desire to indict the CEOs of Sky Global, or the desire to
15 at least investigate and hopefully result in an indictment if
16 the evidence bore it out, began in summer of 2018?

17 A. Yes, sir.

18 Q. This meeting occurred in February of 2019?

19 A. Yes, sir.

20 Q. That was a discussion point at that meeting; correct?

21 A. Whether we would be able to indict the CEO?

22 Q. The U.S.'s desire to indict the CEO.

23 A. That was discussed, yes.

24 Q. In fact, there was a tacit agreement between the United
25 States and these other countries that the United States would

1 let these other countries finish their investigation and what
2 they wanted to do before the United States indicted the CEOs;
3 is that correct?

4 A. You said a tacit agreement.

5 Q. Are you aware of the French report that said there was a
6 tacit agreement between the American and Dutch authorities that
7 allowed the European investigations to continue with the
8 American suspending further operations pending ongoing
9 investigations? Are you aware of that?

10 A. I recall reading or seeing reporting along those lines. I
11 just wanted to clarify the term you were using.

12 Q. Sure. I'm using it because that's from the French report,
13 but let's just take out the word "tacit" because I don't think
14 that's an important part. There was some general
15 understanding --

16 A. Yeah, I would say --

17 Q. -- that the United States would hold off on indicting these
18 individuals while Europe continued doing what it was going to
19 do with its Sky ECC investigation; right?

20 A. Yeah. Nothing formally was signed or a handshake. It was
21 a general agreement.

22 Q. You had mentioned that -- I just want to understand, and I
23 know this is very complicated. So I apologize if I'm jumping
24 around. I apologize to the jury and you. If I need to
25 reorient myself in the timeline, tell me.

1 But my understanding from your direct testimony is --
2 I'm going to use the word "you," but the United States, you,
3 got a list of IP addresses and PINs from BlackBerry phones that
4 had been seized, or from BlackBerry through requests, something
5 along those lines? Can you make me more precise with what I'm
6 saying?

7 A. I guess I'm still trying to track what you're referring to.

8 Q. So you obtained information from BlackBerry that then
9 eventually led to the seizure of the French -- the seizure of
10 the server in France; right? Is that an accurate statement
11 generally?

12 A. I think the information that we were able to secure, that
13 we were able to obtain, assisted France in their -- and the
14 Belgians and Dutch and the others involved with the seizure of
15 Sky servers.

16 Q. That's what I'm asking. I want to understand precisely
17 what you got and did with BlackBerry.

18 A. Yeah.

19 Q. And then what was transmitted to Europe. So I may have
20 stated it as a layman who doesn't really understand the
21 technology like you do, but what did you do specifically with
22 BlackBerry? What information did you get that you then
23 transmitted?

24 A. I think it would be tough for me to give you a full
25 catalog.

1 Q. Okay. 30,000 --

2 A. Yeah. So ultimately it was information related to the
3 types of accounts, the types of software, the types of tools
4 that Sky Global purchased from BlackBerry. Also, data that
5 BlackBerry had related to phones that they were able to observe
6 or other computer-type tools that would interact with the
7 BlackBerry system or infrastructure.

8 Q. And you made a request, you being the Government or whoever
9 may have done it, but you have knowledge that there was a -- I
10 believe you said a judicial request made of BlackBerry for this
11 information; is that correct?

12 A. Multiple different types.

13 Q. What does that mean, a judicial request?

14 A. So anything from a subpoena all the way up to a search
15 warrant.

16 Q. So the United States went -- got process of some kind;
17 right?

18 A. Yes.

19 Q. Said, BlackBerry, we want X, X and X information; right?

20 A. Yes.

21 Q. We took that information from BlackBerry that was given to
22 us in response to these various judicial requests, right, "we"
23 being the United States?

24 A. Yes.

25 Q. We, the United States, then sent that to French, Dutch and

1 other authorities to assist in their investigation of Sky
2 Global, Sky ECC; right?

3 A. Just to clarify.

4 Q. Sure.

5 A. To use the word "sent," there's a whole process. So it
6 wasn't we received something and then we throw it in an
7 envelope and mail it over. Some of this data or documentation
8 or information requires us to go through a process with
9 elements of the justice department in D.C. to get approval to
10 share.

11 Q. So it may be similar to an MLAT. There's processes by
12 which we get information to other countries; correct?

13 A. Yes, sir.

14 Q. I am using this in a very layman way just to understand
15 transactionally. So I'm not trying to pin you down that
16 something was done improperly in terms of the sharing. I'm
17 just asking that properly, I'm assuming --

18 A. Yes.

19 Q. -- this information that we got, the United States through
20 our process, was then shared with our European law enforcement
21 friends; correct?

22 A. I can appreciate that. I just felt the need to clarify
23 that.

24 Q. I appreciate you. But that's true generally what I said?

25 A. Yes, sir.

1 Q. Okay. And it's your understanding that the information
2 that we obtained from BlackBerry through judicial process here
3 was at least part and parcel of seizing the very first server
4 of Sky Global in Roubaix, France; correct?

5 A. I would offer it helped. The information that we obtained
6 I think it's important to note France could have obtained it
7 without us.

8 Q. The information we gave them, like IP addresses, helped
9 narrow where that server was; is that accurate?

10 A. Bingo. It did, yes.

11 Q. So the time in which it was seized relative to when France
12 may have discovered it on their own certainly was aided by our
13 help; correct?

14 A. I think that's fair to say.

15 Q. So at this point in my timeline, which I know I'm not being
16 perfect on, but just going linearly as opposed to this date,
17 this date, this date, we have an investigation into -- I just
18 want to recap -- into the owners of Sky Global in summer of
19 '18, an agreement in February of '19 that we're not going to
20 charge them while this Sky ECC investigation continues to go
21 on. And during the same time the U.S. is assisting its foreign
22 allies and law enforcement to discover the servers and other
23 information about Sky Global. Is that a general recap of what
24 we just talked about?

25 A. I think it's important to note they were assisting us as

1 well in the U.S.

2 Q. To be sure, and I was going to get there, but the seizure
3 of that server in France is really what led to the downriver
4 flow here of everything that came after; right? I'm talking
5 about -- when I say that, I mean live -- reviewing messages
6 live, being able to decrypt otherwise encrypted messages. I
7 mean, it all stems from getting that server; right?

8 A. I think in a simplistic way, yes, that's accurate.

9 Q. Black Friday, so to speak, of Sky Global came in March of
10 2021; right?

11 A. Yes, sir.

12 Q. And that was when it was made known that there was seizures
13 that all these messages had been discovered, Sky Global was
14 shut down; correct?

15 A. Yeah. Just to clarify, is it Black Friday or Black Monday?

16 Q. I'm using that term generally speaking. The day that
17 everyone knows for Sky Global happened in March of 2021; right?

18 A. Yes.

19 Q. Okay. And the U.S. took Sky's website off the web;
20 correct?

21 A. That's correct.

22 Q. We seized their website?

23 A. We did.

24 Q. And three days after our European friends in law
25 enforcement shut down Sky Global, three days later we indicted

1 Mr. Eap and Mr. Herndon (ph)?

2 A. Thomas Herdman.

3 Q. Herdman; correct?

4 A. I believe it was roughly three days, you know, with the
5 time difference and whatnot.

6 Q. Understood. You had mentioned in 2019 that prior to
7 seizing the server of Sky Global in France there had been a
8 judicial French warrant that authorized that seizure; is that
9 correct?

10 A. Yes, sir.

11 Q. Do you know -- have you seen that warrant?

12 A. I have not.

13 Q. Are you aware that at a similar time a Dutch judge had
14 denied the Netherlands permission to seize Sky chats in the
15 Netherlands?

16 A. I do recall that during the course of the European
17 investigation with the Dutch, Belgians and French that each of
18 their courts granted and limited operations or requests.

19 Q. Different countries had different views of what was
20 authorized and what wasn't; right?

21 A. Yes. We were even limited in the U.S.

22 Q. We were limited by that darn thing called the Fourth
23 Amendment; right?

24 A. We're limited by many amendments and statutes, yes.

25 Q. Dutch judge, do you recall reading, "It could not be

1 established that the users of Sky ECC were using the system
2 exclusively for illegal purposes." Do you recall that?

3 A. I don't recall that exactly, but I do recall that there
4 were limitations.

5 Q. The Dutch judge, "It has not yet fully clarified how
6 exactly the intercepted encrypted data was ultimately decrypted
7 in cooperation with the French." Do you recall that?

8 A. I do not.

9 Q. Do you recall that a judge in Panama acquitted 28
10 defendants because of the significant flaws in the evidence
11 presented -- the electronic evidence presented from the servers
12 from Sky ECC? Are you aware of that case?

13 A. I am not.

14 Q. Did you author any search warrants in the United States for
15 -- or are you aware of any of your colleagues authoring any
16 search warrants in the United States for Sky ECC chats?

17 A. Not for chats. For data, metadata, mobile tower location
18 history, things of that nature, but not for content in the U.S.

19 Q. Are you aware or did you author any search warrants or any
20 of your colleagues for the seizure of that server in France?

21 A. Not for the server in France, no, sir.

22 Q. Are you aware of any search warrants or anything similar
23 for any real-time chats that were discovered as a result of
24 that seizure?

25 A. Warrants in the U.S. for real-time chats, I'm not aware of

1 any of those.

2 Q. Are you aware that the U.S. benefited from France, Belgium
3 and Dutch efforts to reveal real-time chats as a result of the
4 seizure of that server?

5 A. I would ask you to define "benefit."

6 THE COURT: I'm sorry?

7 THE WITNESS: Your Honor, I'm asking him to define the
8 word "benefit."

9 THE COURT: Okay.

10 MR. FINK: I'll try to ask it more precisely, Judge.

11 BY MR. FINK:

12 Q. Were investigations in the United States aided or furthered
13 in any way by the discovery of these real-time chats as a
14 result of the seizure of the server in France?

15 A. I don't know that the real-time chats, because the U.S. did
16 not have access during the -- so there was a live phase where
17 messages were intercepted and decrypted real-time, but they
18 weren't read. And then there was a phase during that period
19 where as the messages came in, they were read. And we're
20 talking in the neighborhood of a million messages per day were
21 going across the network, and officers and agents across Europe
22 were reading those. The U.S. was not a part of that wire room
23 or interception room. We did not read any real-time messages.

24 Q. Was there any information shared about any imminent dangers
25 or anything coming from those real-time chats that you know of?

1 A. I do recall, we call it threat to life, TTL, that those
2 situations arose during the live phase in Europe and other
3 countries.

4 Q. And that could be -- that information could be from United
5 States users, European users, it could be from anyone; right?

6 A. It could.

7 Q. Necessarily captured in this review of real-time messages
8 and historic messages, necessarily captured in that is a
9 tremendous amount of nonillegal activity; correct?

10 THE COURT: Is a tremendous amount of what?

11 BY MR. FINK:

12 Q. Nonillegal or otherwise legal activity; correct?

13 A. I'm having trouble understanding that question, because
14 defining "nonillegal activity" is, I think, important.

15 Q. You're going to capture conversations in a billion
16 messages?

17 A. Right.

18 Q. That say, hello, how are you, I'm good, how are you;
19 correct?

20 A. But if I'm a criminal, if I'm engaging in criminal activity
21 and I'm talking to someone on the other end of that phone who's
22 also engaging in the same criminal activity, and I ask them how
23 are they doing and how is dinner, that's still a part of our
24 criminal relationship.

25 Q. I don't disagree with that, but, Agent Willock, I don't

1 think you're going to disagree with me that every single chat
2 that was seized, monitored historically or a live was related
3 to unlawful activity; correct? You're not seriously going to
4 say a billion messages were all unlawful activity, are you?

5 A. There's no way I would say "all," but when I use the term
6 "vast majority, extremely high percentage," I'm comfortable
7 saying that.

8 Q. How could you possibly know that when we agreed with each
9 other that it would take 635 years and 400 agents to read those
10 messages?

11 A. Because of how I clarified the fact that those messages of,
12 hello, how are you, how's dinner, are part of a criminal
13 activity, a criminal practice, and that the Europeans utilize
14 software to search the messages, artificial intelligence
15 programs. And then additionally we send out -- you offered
16 that we seized the website?

17 Q. Yes.

18 A. Broadcast messages were relayed saying if you are the owner
19 of a Sky device, or have been on a Sky network and utilized it
20 for nonillegal purposes or are concerned about your data,
21 please call the U.S., FBI, DEA, IRS, and we did not receive any
22 phone calls.

23 Q. That was after the fact; correct?

24 A. That was after the fact, yes.

25 Q. Are you aware that the Canadian police were using Sky ECC

1 for their own purposes?

2 A. Define "for their own purposes."

3 Q. Law enforcement -- furthering law enforcement
4 investigations.

5 A. Yes. We were using it as well as in the U.S.

6 Q. Those weren't illegal chats; correct?

7 A. I don't know what the Canadians used it for. I know that
8 we used it in an undercover capacity. And I would anticipate,
9 you know, testing and understanding how the devices work. I
10 can't articulate or answer that question for the Canadians, but
11 based on my experience with them, they would have been using it
12 for the same purpose.

13 Q. I appreciate the acknowledgment that you can't know what
14 you don't know about what the Canadians were using it for, and
15 that's what I'm asking you, Agent Willock. I'm asking you that
16 necessarily involve decrypting a billion messages are going to
17 be messages of a nature that have nothing to do with a criminal
18 investigation. That's what my original question was. You
19 don't agree with that?

20 A. I just -- I need -- I deal in percentages or numbers. And
21 to make a statement that was contradictory to what I believe,
22 if you could offer a value of what percentage were noncriminal.

23 Q. Well, I mean, I've told you that many judges have denied
24 process to law enforcement who have asked, one a Dutch judge
25 and one a Panamanian judge at least, who believe the nexus

1 between criminal activity and the use of these encryption
2 services were insufficient; right? That's an example I gave
3 you; correct?

4 A. So you did provide those examples, and again you used the
5 word "many." I also am aware of, I guess, we could say many
6 judges that upheld the fact that those messages were criminal
7 and the network was run by criminals, used by criminals,
8 facilitated by criminals.

9 Q. Was there any discussion amongst your team that dealt with
10 the Sky Global investigation and your interactions with the
11 Europeans? I'm talking just over many years here. Was there
12 any discussion at any point about the constitutionality of your
13 efforts to seize messages from the Sky Global servers?

14 A. Absolutely.

15 Q. Was the Fourth Amendment discussed?

16 A. In general terms, the Fourth Amendment served as the
17 background for how we would author judicial requests.

18 Q. Did anybody express concern about allowing foreign
19 countries to do things that we couldn't do and then reaping the
20 benefits of that without having to use our process in the
21 Fourth Amendment? Was there any discussion about that?

22 A. No, because the technology didn't reside in the U.S. The
23 servers were on foreign soil.

24 Q. I'm not asking necessarily whether it would have been right
25 or legal or not legal. I'm not asking you to draw a

1 conclusion. I'm asking if you, Agent Willock, and your team,
2 had any concern about the privacy risks of asking foreign
3 countries to do things the United States might not be able to
4 do? Was there any concern about that?

5 A. I think everything we do, all of the conversations, our
6 training, our understanding of the law, we use that as a
7 backdrop, right. The concern is embedded. And so we have
8 constant dialogue with our attorneys and the counsel in our
9 respective offices.

10 Q. I ask that, because the United States made a conscious
11 choice to forego prosecution against two individuals in the
12 United States so that the Europeans could seize and otherwise
13 investigate Sky Global without any hindrance or notification;
14 right? That statement is correct so far; right?

15 A. We for -- whatever the past tense of "forego" is, we were
16 able to delay prosecution of identified individuals, but we
17 also pursued prosecution of other associates of Sky during that
18 time.

19 Q. The reason you forewent, the reason that we -- I don't know
20 if that's right either. The reason we agreed to do that was to
21 not hinder or otherwise jeopardize the investigation the
22 Europeans were doing; right?

23 A. That's a common practice amongst --

24 Q. I'm not saying it's wrong. I'm just saying is that what we
25 were doing? They made a request of us and we said, okay, we'll

1 honor that; right?

2 A. Yes. I can say that's fair to say, yes.

3 Q. And my concern is that the United States then benefited
4 from the Europeans doing things under their more maybe, maybe
5 not, generous constitutions, and then we reap the benefits of
6 that investigation. That's why I'm asking you was there a
7 conversation about these topics?

8 THE COURT: And now is that a question, was there a
9 conversation --

10 MR. FINK: Yes.

11 THE COURT: Because you asked him that before, so ...

12 MR. FINK: I'm trying to contextualize what I'm asking
13 they had a conversation on, Judge.

14 THE COURT: Okay. You may answer.

15 BY MR. FINK:

16 Q. Did you have those concerns?

17 A. I think -- I'll answer the question with a little
18 background.

19 Q. Sure.

20 A. You talked about the meeting that we had in The Hague in
21 the winter of 2019, in February 2019, and then there were many
22 other meetings. The U.S. was committed to prosecuting,
23 obtaining an indictment on the principal figures at Sky, no
24 matter what happened in Europe.

25 At that meeting, one of my colleagues from the

1 Netherlands said that he believed we could reach our ultimate
2 goal, and multiple others said it would be impossible for us to
3 accomplish what we did. It was somewhat unprecedented to
4 intercept encrypted traffic in the manner that the
5 investigative team did.

6 Q. Completely agree with that.

7 A. Right. And so when I say -- I give you that background to
8 say we benefited, we, the U.S., the American people, drug
9 shipments were interdicted, lives potentially saved, in this
10 investigation. But in a prior investigation that pretty much
11 mirrored the Phantom Secure investigation, we did not intercept
12 any messages.

13 So to say there was a benefit, I agree, but regardless
14 we were going to benefit. So I don't think there was
15 necessarily an added benefit, an increased benefit, other than
16 investigations were furthered and a light was shined on
17 criminal activity.

18 Q. Are you aware that the United States gave Belgium \$800,000
19 to assist in its Sky Global investigation around the time of
20 that meeting?

21 A. I am not aware of any funds being transferred.

22 Q. I have a note here from your direct examination about the
23 United States. I wrote "hooks into server in 2019, 2020."
24 What did you mean by that?

25 A. So -- yeah. I use a, you know, colloquial or

1 conversational term "hooked." I'm not a telecommunications
2 specialist. I'm not a computer scientist. I never visited the
3 site where the servers are in France. I only know what they
4 looked like and what type of system they were based off of what
5 I was told.

6 So those investigators needed to find a way to connect
7 in or to facilitate getting the data off of those servers. So,
8 you know, as you might back up an iPhone on a computer or
9 transfer data from one computer to another onto a hard drive,
10 how you hook that appliance or facility into that computer
11 that's what I'm trying to reference by using that.

12 Q. So the United States did have some hook or technological
13 connection to the servers that were seized in 2019 and '20;
14 correct?

15 A. We did not -- when you say we had a hook --

16 Q. Yeah.

17 A. We had no connection, no -- we just had verbal or written
18 awareness. We did not have any technical participation or
19 physical participation.

20 MR. FINK: One moment, your Honor.

21 (Briefly off the record.)

22 BY MR. FINK:

23 Q. Do you know Special Agent Bill Bogner?

24 THE COURT: How do you spell it?

25 MR. FINK: B-O-G-N-E-R, your Honor.

1 THE COURT: Okay.

2 THE WITNESS: Yes, sir. He's a retired special agent
3 in charge of the office I work in.

4 THE COURT: In Los Angeles?

5 THE WITNESS: Los Angeles, yes.

6 BY MR. FINK:

7 Q. We have a quote upon the arrest in March of 2021, in a
8 press release from the Department of Justice, "The DEA
9 maintains an evolving global reach, and combined with strong
10 law enforcement, foreign law enforcement partnerships, is
11 committed to searching out the most significant organized
12 criminal groups facilitating sophisticated narcotics
13 trafficking networks. The joint effort to pursue these
14 individuals who hide behind encrypted communication platforms
15 shows that even the use of advanced technology will not enable
16 suspects to conceal their criminal activities from law
17 enforcement."

18 Do you agree with that statement?

19 A. I do.

20 Q. You started to discuss with Mr. McDonald some of the
21 information that is often received -- well, I guess using your
22 case as the example, information that you'll receive by MLAT of
23 the historical chats from Sky ECC and the format you receive
24 it. Do you remember talking about that?

25 A. Yes.

1 Q. Okay. And, generally speaking, in order to read these
2 chats, they come on an Excel spreadsheet; right?

3 A. Typically.

4 Q. Okay. And basically you're looking at PIN number, content
5 of message, date, whatever other categories are in the Excel
6 spreadsheet; correct?

7 A. Yes, sir.

8 Q. The case that you're involved with, has that been
9 prosecuted yet?

10 A. Both individuals that we indicted at the principal level of
11 Sky ECC are still out of the U.S. and awaiting extradition.

12 Q. All right. So you haven't in your case had to -- or maybe
13 you have. Have you disclosed this information to defense
14 counsel yet, the Sky ECC data, do you know?

15 A. So I --

16 Q. If you know.

17 A. Yeah. I think I just need to organize my thoughts around
18 this. I personally interviewed Mr. Thomas Herdman, one of the
19 people we indicted who is a principal figure, a distributor, a
20 lieutenant of Mr. Eap, the CEO. He sought to cooperate with us
21 with his counsel. I conducted those interviews with him after
22 the indictment. Unfortunately, the French have taken him into
23 custody and charged him with crimes that he committed in their
24 country. So he is currently in jail in France.

25 Our U.S. Attorneys, our Assistant U.S. Attorneys, met

1 with Mr. Eap, the CEO of Sky Global, with his attorneys in the
2 U.S. I believe they turned over some information, some
3 discoverable material.

4 Q. So you -- I could ask this question better. Have you taken
5 part in packaging for discovery, packaging for an attorney, Sky
6 ECC chats?

7 A. No.

8 Q. Do you know the format? Are you aware of what it looks
9 like when it's given to counsel or the court or shown in front
10 of a jury? Do you know the format it would be shown in?

11 A. I believe I've seen it, yes.

12 Q. From my end, correct me if I'm wrong, as you understand it,
13 what I'm getting is Excel spreadsheets of these chats; right?

14 A. Yes, sir.

15 Q. Is there any metadata associated with what I'm receiving
16 from Sky ECC chats that come from overseas?

17 A. It's my understanding that metadata would be in those
18 files. It's included. It should be.

19 Q. The purported metadata of what it shows, the data itself;
20 right?

21 A. Right.

22 Q. Not the actual metadata as a thing. I don't have the
23 actual code of the metadata?

24 A. Right. The actual encrypted messages, my understanding, my
25 experience, right, is when you obtain those messages from the

1 French, because they are the custodians of those messages, they
2 don't provide the raw information.

3 Q. That's precisely what I'm driving at. We receive, we being
4 the United States, you, law enforcement?

5 A. Yes.

6 Q. When you make a request by MLAT or otherwise to get these
7 chats, how it comes to you is in a summary format in an Excel
8 spreadsheet; right?

9 A. That's correct.

10 Q. So we are wholly reliant that we are being told the truth
11 and the whole truth from the party requested from; right?

12 How about -- let me strike that and ask it a different
13 way. Agent Willock, would you have any idea, but for trust of
14 another law enforcement officer, that someone in France did not
15 manipulate or edit the Excel spreadsheets?

16 A. I have additional trust in that --

17 Q. I'm saying besides your trust. Is there any way you would
18 know it just from looking at the spreadsheet?

19 A. Well, I would know that the Netherlands Forensic Institute,
20 in June of 2022, did a comprehensive study of the data and the
21 messaging and issued a report that has been utilized in
22 European courts outside of the Netherlands. So I know by
23 review of that report and talking to colleagues that were
24 involved, not necessarily with its production, but in a peer
25 review-type environment, that a study has been done by people

1 outside of France on the data and the integrity of it.

2 I'm also aware that the highest court in Belgium has
3 upheld convictions of subjects where Sky ECC data was utilized.
4 I know the Netherlands has other investigations. I also am
5 understanding that in the country of Bosnia that data has been
6 upheld.

7 Q. I'm hearing you loud and clear, and I'm hearing that I have
8 a lot of faith in the courts of other countries and other
9 agents. I'm asking a very specific question. When you receive
10 those chats from your European contemporaries --

11 A. Yes.

12 Q. Okay. And they come to you on a disk and you click on the
13 Excel spreadsheet and it populates with the PIN number and
14 messaging and everything it populates.

15 A. Yes.

16 Q. Looking at that document, you cannot say one way or another
17 whether this has been manipulated or otherwise edited from its
18 original native format; correct?

19 A. I'm not able to say that about any document I receive.

20 Q. That's fair.

21 A. Yeah. Whether it's from France, another country, another
22 agency.

23 Q. Whereas if you yourself --

24 A. Right.

25 Q. -- take a cell phone, plug it into your computer, upload it

1 onto Cellebrite, you can be far more confident that nothing was
2 manipulated because you did it; right?

3 A. I can be confident that the process worked as I expected.

4 Q. You personally can say I did not manipulate anything?

5 A. That's correct.

6 Q. I plugged this iPhone in and I loaded it up; right?

7 A. Right.

8 Q. And I'm not saying that that's what's happening, Agent
9 Willock. I'm not accusing law enforcement of doing anything
10 untoward and I'm not accusing these prosecutors. I'm not
11 making those allegations. I'm asking you that you just can't
12 say you are dependent on what is sent to you; correct?

13 A. Absolutely.

14 Q. Okay. And you look at it and you take it at face value,
15 this is what was said by these PIN numbers on this date,
16 because that's what it says on the spreadsheet; right?

17 A. That's correct.

18 Q. That's all I'm asking. I appreciate that, and I wanted to
19 make that clear that I'm not accusing you or anyone of
20 anything.

21 A. Thank you.

22 Q. You gave me some examples of the veracity being tested in
23 other courts and other countries; right?

24 A. Yes.

25 Q. Okay. Are you aware of the Milch report, M-I-L-C-H?

1 A. I am not.

2 Q. Are you aware of anything, in any other court, that courts
3 have found that there are nonvalidated tools that may not
4 contain -- that may contain errors that could lead to incorrect
5 results? In other words, there's been findings of off-loading
6 these chats may be -- there may be unintended errors. Are you
7 aware of that generally?

8 A. I am aware that there can be errors, just not to the
9 severity of those errors.

10 Q. And you mentioned, for example, on direct examination that
11 there -- one thing that you've noticed, at least in your cases
12 or in your experience, is sometimes we'll get one-sided chats;
13 right?

14 A. That's correct.

15 Q. And the one-sided chat meaning that we're getting one
16 person speaking, but we're not getting the responses or the
17 conversation; right?

18 A. That's correct.

19 Q. Now, sometimes we'll get both sides of the chat. We'll
20 have an Excel spreadsheet that has -- I'm just going to use a
21 made up PIN. PIN 1234.

22 A. Right.

23 Q. And it says all of these things. And then you match it up
24 with PIN 678 --

25 A. Right.

1 Q. -- and their responses; right?

2 A. Yes, sir.

3 Q. Two separate files; right?

4 A. Yes.

5 Q. But what you're saying is sometimes we'll only end up with
6 PIN 1234 and not 678's responses; right?

7 A. For a host of reasons.

8 Q. Maybe in all legitimate and technological reasons, but that
9 does happen; right?

10 A. Yes.

11 Q. For the same reason that the technology may fail in giving
12 us one-sided chats, it may fail us in generating the actual
13 chats themselves; correct?

14 A. I don't understand the word "generating."

15 Q. I'll give you an example. One of the reasons that you
16 gave, and my objection was overruled, one of the reasons you
17 gave in that whole discussion was maybe there's an outdated
18 version being used on one cell phone and, therefore, for some
19 reason when it gets uploaded onto whatever software to decrypt
20 it, it just doesn't spit everything out both sides of the chat.
21 That was one possibility you gave. Do you remember that?

22 A. Yeah. So to explain that --

23 Q. Sure.

24 A. -- if -- you know, depending on what version you were on or
25 what actual private key you had, you know, the investigators

1 might not have had access to that key, or the tools that they
2 were employing weren't able to decrypt that message at that
3 time. You know, I think everything is relative. There's
4 certain messages that weren't decrypted two years ago that are
5 now decrypted.

6 Q. There's just a lot of technological reasons that may
7 happen; right?

8 A. That's correct.

9 Q. And you're not in a position. You're giving us
10 possibilities. So for obvious reasons that doesn't necessarily
11 mean anything was manipulated; right?

12 A. Right.

13 Q. But that there's a lot of technological failings that maybe
14 we don't understand or appreciate that could have led to that;
15 right?

16 A. That's fair to say, yes.

17 Q. For that same reason, you can't say with certainty that we
18 have all messages, can you?

19 A. Oh, we definitely do not have all messages.

20 Q. Right. So when we see a list of messages or we see
21 something, you know, in this trial of a Sky ECC message, it may
22 be missing the message before or after it, and we can't say for
23 certain. All we can do is rely on what was sent to us; right?

24 A. And focus on what we do have.

25 Q. Of course. But for the same reasons you spelled out that

1 one side of a chat might be missing, specific texts might be
2 missing; right?

3 A. Yes.

4 Q. In your cases that you've -- have you ever taken a case to
5 trial using Sky ECC messages?

6 A. No, sir.

7 Q. Are you preparing one? Is one going to -- do you know of
8 going to trial?

9 A. I know of at least two cases that could go to trial where
10 they would utilize Sky messages.

11 Q. In those cases --

12 A. Yes.

13 Q. -- would you have the ability as a special agent to get on
14 the phone and call the person that prepared the data for you
15 and say, hey, we're going to need you in trial on March 31st,
16 I'll give you your reservation details? Could you do that?

17 A. The person that would be preparing that data --

18 Q. They're contemporary in Europe. So I don't know what
19 country it was. Let's say the French you did an MLAT and
20 France, from France, says, hi, Agent Willock, I'm going to
21 prepare the stuff for you and send it by disk to you. That
22 person, could you get that person to come to trial if you
23 wanted to?

24 A. From my experience, it's difficult to get a foreign law
25 enforcement officer to appear in court here in the U.S.

1 Q. Because France, as my made-up person, could be the person
2 that testified that, yes, this is the data that I took off the
3 server myself, loaded on and sent to Agent Willock, couldn't
4 he?

5 A. If that person was able to be in a U.S. court, they could
6 speak to their methods and how they did what they accomplished.

7 MR. FINK: One moment, your Honor.

8 (Briefly off the record.)

9 BY MR. FINK:

10 Q. Agent Willock, are you aware of the processes by which
11 these messages were decrypted, what technology was used, how it
12 was done?

13 A. I'm -- in general terms, yes. Not in the specific
14 scientific details.

15 Q. Are you aware that in certain instances that artificial
16 intelligence was used to generate some of these messages?

17 A. I understand how artificial intelligence was used to search
18 the data, not create messages.

19 Q. In other words, given the volume of information, AI was
20 used for certain portions of this to sort through the data; is
21 that accurate?

22 A. That's my understanding, yes.

23 Q. And this goes hand in hand with the idea of the human hours
24 to sort through this are just too great; right?

25 A. As with a number of things, yes.

1 Q. Of course. Does the production of these messages and any
2 of the documents that are presented, at least in your case, I
3 know that you didn't receive the ones in this case, dependent
4 in any way, the content of them, on artificial intelligence?

5 THE COURT: Say that question again.

6 BY MR. FINK:

7 Q. The content of the messages you received in the Excel
8 spreadsheet format, in your experience, in your cases, I know
9 you can't speak to this one --

10 A. Right.

11 Q. -- are do you know -- and your answer might be I don't
12 know, but do you know if the content of those messages, what is
13 written, is in any way produced or relied upon artificial
14 intelligence to put them on that spreadsheet?

15 A. I'll answer it with I have not heard of artificial
16 intelligence being used. So I don't know, but I have also not
17 heard.

18 Q. You know of it being used in some capacity with data
19 sorting, but you haven't heard of it in the context of -- the
20 actual content of the messages; is that a fair
21 characterization?

22 A. Yeah. The way I heard artificial intelligence was used
23 from my colleagues involved in organizing the data was during
24 the live phase of the actual reading of the messages real-time
25 to search for certain terms and --

1 Q. Because of the quantity?

2 A. Yes.

3 Q. This circumstance that you're describing, the reason that
4 you're here to testify in this case, in your world, in the law
5 enforcement world, has major implications; correct? The
6 ability to specifically decrypt end-to-end encrypted messages;
7 right?

8 A. Those implications are significant, or major, as you
9 categorize them, because typically we would want to work with a
10 company like Sky Global and issue them proper legal process.

11 Q. Approximately 170,000 users are involved in Sky Global;
12 correct?

13 A. That was the number that we believed to have been over the
14 history of the company.

15 THE COURT: A hundred and how many?

16 MR. FINK: Seventy thousand users.

17 BY MR. FINK:

18 Q. Certainly there is not a United States search warrant for
19 all 170,000 users? Whether it's required or not I'm not
20 saying, but certainly there is not one for 170,000 people;
21 correct?

22 A. No.

23 Q. And you're aware of the litigation not only in the
24 international courts, but here -- there's a particular one in
25 New York involving a defendant boxer making challenges to the

1 privacy concerns of seizing the data of 170,000 people without
2 a warrant; correct?

3 A. I'm aware a lot people have concerns, yes.

4 Q. Are you one of them?

5 A. No.

6 MR. FINK: Thank you.

7 THE COURT: How is my jury over there? Are you okay?
8 You need a break? No? You're all right?

9 A JUROR: Yes.

10 THE COURT: Yes, you need a break, or no?

11 JURORS: (Collectively) Yes.

12 THE COURT: Let's take a break. The jury may step
13 down.

14 Please rise for the jury.

15 (The jury left the courtroom at 10:58 a.m.)

16 THE COURT: You may step down during the break, too.

17 THE WITNESS: Thank you, your Honor.

18 THE COURT: Ten minutes, gentlemen.

19 MR. FINK: Yes, your Honor.

20 MR. McDONALD: Thank you, your Honor.

21 THE COURT: All right. Let's break for ten minutes.

22 (At 10:58 a.m., a brief recess was taken.

23 Back on the record at 11:12 a.m.)

24 LAW CLERK: All rise. Court is back in session.

25 THE COURT: Okay. We can bring them out; right?

1 MR. FINK: Yes, Judge.

2 MR. McDONALD: Yes, your Honor.

3 THE COURT: Okay.

4 MR. FINK: Judge, can we stop them for one second?

5 I'll make an objection about their next witness so we don't

6 have to excuse them a second time, or I guess when we see the

7 door open we can say --

8 THE COURT: All right. Go ahead and be seated then.

9 Your objection about their witness, Philip Daskal?

10 MR. FINK: Yeah, the next witness, your Honor. Do you
11 want me to --

12 THE COURT: Are you making an objection to the person
13 appearing in court?

14 MR. FINK: I'm objecting to his testimony, yes.

15 THE COURT: No. Let's bring them out. I'll give them
16 another break.

17 MR. FINK: That's fine.

18 LAW CLERK: All rise.

19 (The jury entered the courtroom at 11:14 a.m.)

20 THE COURT: Okay. You may all be seated. I'm
21 satisfied the jurors are present. What about the Government?

22 MR. McDONALD: Yes, your Honor.

23 THE COURT: And defense?

24 MR. FINK: Yes, your Honor.

25 THE COURT: Okay. Very good.

1 You're still under oath, sir.

2 THE WITNESS: Yes, your Honor.

3 THE COURT: Okay.

4 MR. McDONALD: May I proceed with redirect?

5 THE COURT: Redirect.

6 MR. McDONALD: Thank you, your Honor.

7 REDIRECT EXAMINATION

8 BY MR. McDONALD:

9 Q. Agent Willock, Mr. Fink asked you about the timing of the
10 French investigation and your investigation in the Southern
11 District of California. Do you remember that?

12 A. Yes, sir.

13 Q. Did the European investigation start on the basis of your
14 investigation alone?

15 A. No, sir. It's my understanding they were already
16 investigating Sky Global prior to 2018.

17 Q. All right. Two separate investigations?

18 A. Yes, sir.

19 Q. Okay. Now, in your investigation, did you review the data
20 that was received from the French in your case?

21 A. Yes, sir.

22 Q. All right. And --

23 THE COURT: In his case in Los Angeles?

24 MR. McDONALD: In Los Angeles, yes.

25

1 BY MR. McDONALD:

2 Q. And from the content itself, did you observe any evidence
3 that attributed -- that showed user attribution? Do you know
4 what I mean when I say that?

5 A. User attribution whereas you could tell who the user was
6 based on --

7 Q. On the content of the messages.

8 A. That's correct. Yes, I could.

9 Q. All right. And what kind of evidence gave you that user
10 attribution in your case in LA?

11 THE COURT: Say that again.

12 BY MR. McDONALD:

13 Q. What kind of evidence provided the user attribution in the
14 Sky messages in your case in LA?

15 A. The individual would say their proper name, their nickname
16 or full name, in a message. They would send a photograph of
17 themselves. They would use other what we call personally
18 identifiable information.

19 Q. All right. Now, in terms of this -- well, let me back up
20 here. Mr. Fink asked you a long list of things that encrypted
21 data could be used for like businesses or pharmaceutical
22 companies or military. Do you remember him asking you that?

23 A. Yes, sir.

24 Q. In your experience, is that what Sky was used for?

25 A. I did not observe Sky to be used in that manner.

1 Q. What did you observe Sky to be used for?

2 A. Well, at the beginning I saw it used to facilitate the
3 distribution of devices by employees of the company.

4 THE COURT: Distribution of devices, like what?

5 THE WITNESS: Like the actual phones containing the
6 encrypted application, Sky ECC, to interact with their clients
7 and to increase sales of those devices in the subscription
8 service. I saw it used by members of transnational organized
9 criminal groups to facilitate money laundering and narcotics
10 trafficking. And I also saw it used by other organized crime
11 figures engaged in other criminal activities in the U.S. and
12 abroad.

13 BY MR. McDONALD:

14 Q. I want to talk specifically about the United States'
15 involvement and the searches conducted in France; okay?

16 A. Yes, sir.

17 Q. Did the U.S. author any affidavit to search OVH, the French
18 cloud server facility?

19 A. No, sir.

20 Q. Did the U.S. attend the search of OVH?

21 A. No, sir.

22 Q. Would you describe the searches in France as a foreign
23 operation conducted on foreign soil?

24 A. Yes, I would.

25 Q. Finally, the messages that you do have in your case in LA

1 and any messages that you have reviewed that have been
2 decrypted, did you find any evidence that those messages were
3 manipulated?

4 A. I did not.

5 Q. Did you find any evidence that those messages were
6 inaccurate?

7 A. No, sir.

8 MR. McDONALD: No other questions. Thank you.

9 THE COURT: Do you have other questions?

10 MR. FINK: I do not, your Honor.

11 THE COURT: Okay. I have a couple. And, you know, I
12 think I told you all that when Mr. Didani was representing
13 himself that if I ask a question and you had an objection to it
14 you should raise it, because if you don't it's waived to the
15 Court of Appeals.

16 You all understand that? Mr. Fink, you understand
17 that? I think the Government knows it.

18 MR. FINK: I have great faith in your questions,
19 Judge.

20 THE COURT: I'm happy for your faith, but I just want
21 you to know that if you don't object your objection is waived.

22 MR. FINK: I understand it, Judge.

23 THE COURT: And the Government understands that;
24 right?

25 MR. McDONALD: I also understand that, Judge.

1 THE COURT: My questions are not as high tech as the
2 questions that have been raised by these attorneys.

3 EXAMINATION

4 BY THE COURT:

5 Q. I want -- you testified that the U.S. government took down
6 the Sky website. What did that mean for users?

7 A. So, your Honor, the Sky Global, Sky ECC website was hosted
8 by the web hosting company, GoDaddy.

9 Q. Okay.

10 A. And we issued a warrant to take ownership of that website
11 from GoDaddy, we being the investigative team in the U.S., DEA,
12 FBI, IRS. And then we changed the web page to reflect that we
13 now owned that website.

14 Q. To reflect that those government agencies now controlled
15 that website?

16 A. That's correct.

17 Q. Okay. And so does that mean that people who were users
18 could no longer use the Sky application? I'm not sure if
19 that's the right word, but --

20 A. Yeah. So it was twofold; one to notify why their service
21 wasn't working. The website did not interact with the
22 communication servers.

23 Q. Okay.

24 A. So on the particular day that, you know, to use a very
25 conversational term that the servers were unplugged, the

1 service ceased to work.

2 Q. So if I had a phone with that application on it -- is that
3 the right word?

4 A. Yes.

5 Q. And the day that the servers went down, if I tried to use
6 that application, it just didn't work?

7 A. It did not work.

8 Q. And then you said that I think you notified people that
9 they could call in and say I have a problem?

10 A. Your Honor, can I clarify one thing?

11 Q. I think you were talking about that there was a notice to
12 users about Sky ECC.

13 A. Yes. Can I go back and clarify one thing about the
14 application not working anymore?

15 Q. Okay.

16 A. We learned or observed that some devices, some users, I
17 think we shut -- I think the operation happened on March 7th,
18 March 8th, because of the time difference with Europe when the
19 activities happened, that the company in Vancouver still had
20 some backup type server.

21 Q. The company in Vancouver?

22 A. Sky Global, yes.

23 Q. Okay.

24 A. And some devices did function for a day or so after. They
25 kind of went into an emergency management to try to keep their

1 network going. So there was some user activity for a day or so
2 following our day of action, or the Europeans' day of action
3 against the servers. But then once we made this announcement
4 and took control of the website, obviously most users didn't
5 want to use their phone anymore. So I just wanted to clarify
6 that. Yeah.

7 Q. Do they have things on their phone that weren't destroyed?

8 A. Yes.

9 Q. Would they download them? If I had something on my phone
10 that was encrypted, could I send it to another phone or to my
11 you know iPad or computer?

12 A. No, because the data on that device is all held within the
13 app, right, the Sky ECC app, the Sky phone that has that app.
14 And the only way to extract that data, right, would be through,
15 you know, some, you know, high-level system, which a user could
16 have --

17 Q. Whichever data I had on there was lost to me, the user?

18 A. For all intents and purposes, it was. But, you know, there
19 could be an instance where you would be able to pull that data,
20 just how law enforcement has certain tools. A very
21 sophisticated user could try to pull data off of their phone.

22 Q. All right. You can see that I'm not a very sophisticated
23 user, so ...

24 Okay. And I -- oh. And then you said you had a
25 notice that you put up to users and no one responded?

1 A. That's correct.

2 Q. And does it mean -- does no one mean nobody responded at
3 all of the -- what were there, 170,000 users?

4 A. That was during the lifespan of the network was that many
5 accounts that we observed, but at the time there were over
6 20,000, probably even closer to 30,000 users on the network.

7 Q. Okay. And among those nobody responded?

8 A. That is correct.

9 THE COURT: All right. I think that's all I have.
10 Anything else based on me asking those very simple
11 questions? And now everyone knows how low tech I am.

12 MR. McDONALD: Nothing from the Government. Thank
13 you.

14 THE COURT: Okay.

15 MR. FINK: No, your Honor.

16 THE COURT: All right. Thank you for coming. We
17 appreciate it. You may step down, and you're excused, I think.

18 THE WITNESS: Thank you, your Honor.

19 THE COURT: All right. Right, he's excused?

20 MR. McDONALD: I have no objection.

21 THE COURT: Okay.

22 MR. FINK: Yes, he's excused. Thank you.

23 (End of excerpt at 11:25 a.m.)

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3 CERTIFICATE OF COURT REPORTER
4

5 I, Sheila D. Rice, Official Court Reporter of the
6 United States District Court, Eastern District of Michigan,
7 appointed pursuant to the provisions of Title 28, United States
8 Code, Section 753, do hereby certify that the foregoing pages
9 is a correct transcript from the record of proceedings in the
10 above-entitled matter.

11
12
13 **s/Sheila D. Rice**

14 Sheila D. Rice, CSR-4163, RPR, RMR, FCRR
15 Federal Official Court Reporter
16 United States District Court
17 Eastern District of Michigan

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Date: 04/11/2025
Detroit, Michigan.